

STATE OF ALABAMA
County of ESCAMBIA

EXHIBIT B

AFFIDAVIT OF VOLANTE JONES IN OPPOSITION TO
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Before the undersigned Notary Public, for said County and State of Alabama at Large personally appears Volante Jones # 165217, who is known to me and being duly sworn, deposes and says under oath as follows:

My name is Volante Jones, I am over twenty-one years of age. Having personal knowledge of the facts before this Honorable Court, I am competent to give testimony in any court in the state of Alabama and the United States.

1. The defendant's affidavit claims, in summary, that he mailed me a complete copy of my criminal file, as I requested for case number: CC 99-274, Chambers County Circuit Court. He claims this was done - I am unable to determine when this was alleged to be mailed.

I have been served with an illegible copy of the "fax" mailed to counsel regarding this matter.

2. The defendant is not entitled to immunity under the Eleventh Amendment to the United States Constitution. The defendant is not entitled to immunity under Article 1, Section 14 of the Alabama Constitution nor summary judgment under qualified immunity because there are genuine issues of material fact to be resolved. These

issues are identified in the accompanying statement of disputed factual issues filed by Plaintiff. The facts are set out in this affidavit.

3. On the 9th day of March, 1st day of May, 2nd day of May and 28th day of July, 2005, I files request pursuant to the "RIGHTS OF CITIZENS TO INSPECT AND COPY PUBLIC WRITINGS" Code of Alabama 1975, section(s) 36-12-40, et seq. for: A copy of my indictment, sentence order, case action summary, Plea Agree and Pre-sentence investigation report while housed at the Easterville Correctional Facility, 200 Wallace Drive, Cho, Alabama 36017.

4. I never received a response from the defendant in this matter.

5. On the - day of June, 2005, I files a petition for writ of mandamus in the Alabama Court of Criminal Appeals to compel defendant to forward the requested materials. (CR 04-1921).

6. On the - day of July, 2005, my petition was denied. On the 6th day of July, 2005, I filed petition for writ of mandamus in the Alabama Supreme Court. (1041502).

7. On the 1st day of August, 2005, my petition was denied.

8. Contrary to defendant's affidavit, I did not receive, nor was any mail mailed to me at Easterville regarding my request.

9. THROUGHTOUT THE PRISONS OF ALABAMA A SYSTEM HAS BEEN ESTABLISHED TO SIGN FOR "LEGAL CORRESPONDENCE". I NEVER SIGNED ANYTHING, WHILE AT EASTELLA, FROM MR. CHARLES W. STORY, CLERK OF THE CHAMBERS COUNTY CIRCUIT COURT.

10. THE FOREGOING FACTUAL ALLEGATIONS CREATE A GENUINE ISSUE OF MATERIAL FACT AND WILL, IF PROVED AT TRIAL, ENTITLE ME TO JUDGMENT, AS EXPLAINED IN THE BRIEF SUBMITTED WITH THIS AFFIDAVIT.

I AFFEST THAT THE FACTS STATED ABOVE ARE TRUE AND CORRECT, SWEARING UNDER THE PENALTY OF PER JURY.

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 1
DAY OF March, 2006.

Clem Wilson
NOTARY PUBLIC

Karenne Jones:165217
Volunteer Notary

7/17/08
My COMMISSION EXPIRES